

# Alexandria Daily Advertiser.

Vol. VII.]

TUESDAY, FEBRUARY 24, 1807.

[No. 1841.]

## SALES AT VENDUE.

On every Tuesday and Friday,  
WILL BE SOLD,

AT THE VENDUE STORE,  
Corner of Prince and Water streets,  
A variety of Dry Goods, Groceries, &c.  
Particulars of which will be expressed in  
the bills of the day.  
ALL kinds of goods which are on limita-  
tion and the prices of which are established,  
can at any time be viewed and purchased at the  
lowest limitation and prices.  
P. G. Marsteller, v. M.

## Birth Night Ball.

A SUBSCRIPTION PAPER for the Birth  
Night Ball, to be held on the evening  
of the 23d inst., is left at Gadsby's bar,  
where such as are disposed are requested to  
call and enter their names.

E. C. Dick,  
N. E. H. H. H.,  
G. Denck,  
G. Youngs,  
Dr. Thomas Simms.

February 10.

## MARSTELLER AND YOUNG.

HAVE JUST RECEIVED,  
A quantity of BEEF—Boston inspection—  
No. 1 and 2—which will be sold on mod-  
erate terms. Feb. 3.—d

## Wanted to Purchase.

A Negro Man Servant, who has been ac-  
customed to wait in a family, and can be well  
recommended. Enquire of the Printer.  
November 10. d

## For Sale or Rent.

A WELL finished three story BRICK  
DWELLING HOUSE, containing 7  
rooms, with wash house, kitchen, smoke  
house, each house and stable and other ne-  
cessary buildings all of brick, situated on Roy-  
al street, a few doors from Gadsby's, and  
near the market. For particulars apply to  
Robert Patton.  
February 9. d

## JUST RECEIVED

AND FOR SALE,  
150 Sacks Liverpool Stoved Salt, &  
2600 Bushels do.  
On very moderate terms.  
Wm. Hodgson.  
Jan. 3. d

## Butter for Sale.

BRYAN HAMPSON,  
HAS JUST RECEIVED,  
A quantity of BUTTER, in the  
very best order for shipping—which he will  
sell low on a long credit.  
February 2. d

## Wanted to Purchase.

A FEW ACRES of LAND, on the north  
end of the town, to bind on the river or  
nearby so.  
Apply to the Printer.  
September 25. d

## JUST RECEIVED

AND FOR SALE,  
500 Spanish Hides,  
5 tierces Clover Seed,  
1 ditto Timothy,  
AND  
5 hogheads JAMAICA RUM.  
Mordecai Miller.  
January 20. d

## FOR SALE.

On advantageous terms,  
The large commodious well-built three-  
story BRICK WAREHOUSE on King-street—  
occupied by Messrs. Richard Veitch & Co.—  
Apply to  
James Patton.  
October 20. d

## Just Received,

AND FOR SALE BY THE SUBSCRIBERS,  
2 pipes L. P. Madeira WINE  
2 half do. do.  
6 pipes Cognac BRANDY, 4th proof.  
Wadsworth & Butler,  
WHO HAVE ON HAND,  
20 hds. Jamaica RUM, 4th proof  
10 do. St. Croix do. 3d & 4th do.  
8 do. New-England do.  
5 pipes Holland GIN  
2 do. country do.  
1 hhd. L. market Madeira Wine of a super-  
ior quality  
4 quarter-casks do. do.  
3 do. do. L. P. Tenerife do. do.  
6000 bushels Lisbon SALT.  
January 1

## 50 barrels of Tar, For Sale by M. MILLER.

February 18. d  
Adam Lynn,  
HAS JUST RECEIVED,  
AN ELEGANT ASSORTMENT OF  
Gold mounted and plain Tor-  
toise Shell Combs, of the la-  
test fashions.  
February 17. d

## Marsteller and Young.

Have just received, and will sell low if taken  
from on board,  
8000 bushels Turks Island Salt.

## ALSO,

17 Tierces Barbadoes Molasses.  
January 16. d

## Dissolution of Partnership.

WILLIAM DOUGLASS intending to  
retire from business in this place, the  
partnership of Douglass & Mandeville is this  
day dissolved by mutual consent, and Joseph  
H. Mandeville is solely authorised to adjust  
and settle all the accounts of the partnership.  
It is earnestly requested that all persons in-  
debted to them will settle the same with him  
immediately, as longer indulgence cannot be  
given.

William Douglass,  
Joseph H. Mandeville.

January 3. d

## Joseph H. Mandeville

Intends to carry on the FLOUR and GRO-  
cery BUSINESS in the same manner & on  
the same terms as heretofore done by D. and  
M. and solicits a continuance of favors from  
his friends.  
January 3. d

## JOSEPH H. MANDEVILLE

KING-STREET,  
At his Grocery & Flour Store,  
HAS ON HAND AND OFFERS FOR SALE,  
Muscovado SUGAR of various qualities  
Moore's Leaf and Lump do.  
MOLASSES in hds.  
Havana HONEY  
Imperial,  
Hyson,  
Young Hyson & } TEAS,  
Hyson Skin } Of a good quality  
COFFEE & CHOCOLATE  
Spanish SEGARS in boxes  
RAISINS in kegs and boxes  
Jamaica and Antigua SPIRIT, old and good  
Low priced West-India RUM  
New-England do.  
French and Peach BRANDY  
Holland GIN  
Rye WHISKEY  
Stoughton's BITTERS in bottles  
Manufactured TOBACCO  
Mould and dip'd CANDLES  
Course and fine Liverpool SALT in sacks  
or by the bushel  
American GUNPOWDER  
Wrapping Paper, Demijohns, Snuff in bot-  
tles, Leading Lines and Bed Cords, Black Pep-  
per, &c.  
100 tons Plaster Paris.  
20 bls. whole or gross HERRINGS  
100 bls. cut do.  
20 bls. SHAD  
Clover Seed.  
Cheshire CHEESE of an excellent quality.  
—ALSO—  
FLOUR constantly kept and selected for fam-  
ily use.  
January 3 d

## SEINE TWINE.

2,000 pounds excellent Seine Twine.  
—ALSO,  
10 quarter casks Port Wine  
10 boxes Spermaceen Candles  
12 kegs fresh Raisins—  
For sale by  
James Sanderson.  
January 19. d

13 hds. SUGAR of good quality,  
53 bls. do. do.  
5 pipes 4th proof Brandy  
4 gr. casks Sherry Wine } of excellent  
11 do. do. Malaga do. } quality.  
Boxes of Cotton Cards  
Sacks of Licorice Root and Sago  
Barrels of Clover and Herd Grass Seed  
And a large quantity of Red Sole Leather.  
For Sale by  
Benjamin Shreve, Jun.  
July 26. d

## IN COMMON COUNCIL,

16th February, 1807.

ORDERED,  
THAT the following persons be appointed  
commissioners, for superintending the electi-  
ons, to be held in the different wards of the  
town, on Tuesday the 3d of March next, for  
the choice of members of the Common Coun-  
cil for the ensuing year, viz.

John Muncester, } for the first ward.  
William Harper, }  
John Hunter, }  
Joseph Riddle, }  
Dennis Ramsay, } for the second ward.  
John Young, }  
Joseph Smith, }  
Adam Lynn, } for the third ward.  
William Reilly, }  
Mathew Robinson }  
Thomas Janney, } for the fourth ward.  
John Johnston, }

The election for the first ward, to be held  
at John Bogan's tavern, on Prince-street—  
for the second ward, at the court-house—for  
the third ward, at John Hodgkin's tavern, on  
King-street—and for the fourth ward, at Mr.  
Lawrence Hooff's brick house, on Duke-  
street.

Test. JAMES M. MOREA, c. c.  
February 18. 18d Ma

## FOR RENT,

The STORE, on Prince-street, between  
Fairfax and Prince-street, lately in the occu-  
pation of Mr. Ramsay. It is well-calculated  
for a dry or wet goods store. The rent mo-  
derate. Apply to  
William Hodgson.  
Sept. 23. d

Patent Elastic Suspenders,  
To be had, wholesale and retail, of the Pa-  
tentee, next door below Mr. Alexander  
McKenzie's, lower end of Prince-street, A-  
lexandria.

THEY surpass any yet extant, for  
ease, elegance, &c. Masters of vessels and  
other gentlemen going to the West-Indies,  
Spanish Main, &c. may be furnished with an  
assortment, and a great allowance to those  
who purchase by the quantity.  
N. B. The buttons on the back parts of the  
waistband ought to be placed the same distance  
from each other, as the two center buttons on  
the Suspenders, to prevent improper strain-  
ing, and thereby destroying the ease designed  
in the construction of the article.  
Richard Horwell.  
—ALSO,  
Red, Green, & Black Morocco  
Leather,  
By the dozen or single skin—for sale at  
Horwell's Patent Suspender-Manufactory, in  
Prince-street.  
July 6. d

## Suwarrow Boots.

JOHN G. FRANCIS,  
From New York,  
RESPECTFULLY informs the public:  
that he manufactures Suwarrow Boots  
with all the modern improvements, warranted  
equal to any in the United States. After ma-  
ny years of experience in his business, he has  
discovered a new method of retaining the elas-  
ticity in boots. He warrants to fit the leg be-  
it ever so badly shaped. He makes boots of  
various descriptions, viz. Suwarrows—Fair-  
Tops, Three Quarters, Corsican Spring Toes,  
Duck Bills, Round Toes, Bonaparte's Graves,  
Jefferson's Boots and Shoes. He warrants to  
fit the Suwarrow equal to the tuck boots.—  
Gentlemen will please to call and see for  
themselves, at his shop in King-street, be-  
tween Mr. Mott's and Mr. Hodgkin's tavern.  
January 3. d

M. B. He intends selling cheap for cash.

## 20 Dollars Reward.

RAN AWAY from the subscriber living in  
Prince William County, near Hay Mar-  
ket, on the first of January, a negro man nam-  
ed Windsor, about 38 or 39 years of age; 5  
feet 9 or 10 inches high; has a down look  
when spoken to; one of his hands has been  
burnt on the top nearly over, and is white and  
scruffy—had on when he went away a suit of  
soldier's cloth; but it is like he will change  
his clothes as he had money when he went away  
and perhaps change his name.—Ten dollars  
will be paid if taken in the county & bro't home,  
if taken out of the county and brought home,  
the above reward, or secured in any jail so  
that I get him again.  
James Wyatt, sen.  
February 9. 1aw41\*

## For Freight to Europe,



THE STAUNCH  
FAST SAILING BRIG  
PERSEVERANCE;  
[Burden 190 tons]  
Completely equipped and now ready  
to start for Europe. Apply  
To captain Samuel Jackson, on board, or  
JOHN G. LADD.

## Who has for Sale,

(NOW LANDING FROM SAID BRIG)

40 Barrels New Rum  
12 Hds. Molasses  
150 Barrels Sweet Cider  
100 Casks Lime  
100 Barrels Prime Beef  
5 Pipes Holland GIN.  
Feb. 20. d

## LANDING,

From the brig Active, and for sale, by  
Lawson & Fowle,  
12 hds. clay'd }  
13 do. Muscovado } Sugars.  
20 barrels do. }  
February 20. d

## Spanish Hides.

1500 large heavy Spanish Hides  
6000 wt. fine green Coffee—and  
600 wt Indigo, Spanish Potant  
For sale by  
M. MILLER.  
February 20. d

## Plaster of Paris, &c.

JOSEPH H. MANDEVILLE,  
Has just received and offers for sale,  
50 tons Plaster  
50 barrels New-England Rum  
30 do. Whiskey  
60 barrels excellent Herrings  
15 hds. brown Sugar.  
—ALSO,  
A small light Waggon to be sold  
cheap.  
February 20. d

## WILL BE SOLD OR LEAS-

ED, ON GROUND RENT,  
For a term of Years, or for ever,  
A NUMBER OF VALUABLE AND ELIG-  
ENTLY SITUATED BUILDING LOTS, in  
this Town—on Fairfax, Cameron, Water,  
Union and Princess streets. They will be  
laid off to accommodate purchasers. Applica-  
tion may be made to William Herbert, Esq-  
or to the subscriber near Patuxent Iron-works,  
Prince George's County, Maryland.  
John C. Herbert.  
February 12. 2aw1f

## To Sell or Rent,

Sundry LOTS in Alexandria—Also sev-  
eral in the city of Washington. For terms ap-  
ply to  
Sarah Porter.  
February 14. 2aw

## NOTICE.

A MAJORITY of the stockholders of the  
Alexandria theatre, having agreed to  
purchase the ground rent of \$108 per an-  
num, arising from the ground on which the  
theatre is erected, give this public notice to  
stockholders residing out of Alexandria, that  
unless they forward notes to the subscriber  
payable at 3, 6, and 9 months, from the first  
of January, 1807, for their proportions, by  
the first day of March next, a deed will be  
then taken for the property to those who shall  
agree to the above purchase by that day.—  
Any stockholder disagreeing to the above stu-  
pulations, will only be entitled to the one and  
thirtieth part of the neat proceeds of the sale  
of the property, sold at public auction by the  
direction of the trustees of said theatre, on  
the 30th August, 1806.

## Guy Atkinson,

Agent for the Stockholders.  
January 29.—30. 2aw1st M

## The above theatre to rent.

## FOUR DOLLARS Reward.

RAN AWAY from the subscriber, a yel-  
low Negro Girl, about 15 years of age,  
a very round face with trickles or small spots.  
She is very remarkable, having on one of her  
ears a lump about the size of a small pea, oc-  
casioned by being bored for beads when young.  
Whoever secures her in any jail so as I get  
her again, shall receive the above reward and  
reasonable charges if brought home to  
Aquila Johns.  
Broad-Creek, Prince-George's  
County, 14th Feb.—(20) d



From the National Intelligencer.

Argument of Mr. HARPER in the case of Messrs. Bollman and Swartwout.

[CONTINUED.]

Considering it then as settled, as I trust we may, that congress has intended to give this court the power to issue writs of habeas corpus ad subjiciendum; the next question is, whether congress had authority by the constitution to confer that power?

The authority of congress must be tested by the constitution, and if they should appear to this court to have exceeded limits there prescribed, I admit that this court must consider their act as void. I am not only one of those who admit this power in our courts, the power of collating an act of congress with the constitution, when it comes judicially before them, and of declaring it void if against the constitution, but I contend for and prize this power as one of the best barriers against oppression, in fluctuations of faction, in those times of party violence, which result from the operation of the human passions in a popular government, as usually as levers result from the circulation of the blood, and tempests from the motion and properties of the atmosphere. In the violence of those political storms, which the history of the human race warns us to expect, this shelter may indeed be found insufficient; but weak as it may be, it is our best hope, and in my judgment it is the part of patriotism to uphold and strengthen it to the utmost.

But while my feeble voice shall, for these reasons, be raised, on every fit occasion, in behalf of this power in the judiciary department, I shall also contend that it is a power of a delicacy inferior only to its importance; which ought to be exercised with the soundest discretion, and to be reserved for the clearest and greatest occasions.

The question then is, whether congress have authority under the constitution, to confer on the supreme court the power of issuing writs of habeas corpus ad subjiciendum? This question depends on another; whether this power or jurisdiction be in its nature original or appellate? The original jurisdiction of the supreme court, being confined to certain specified cases, of which this is not one, it follows that this power, if original in its nature, cannot be conferred on, or exercised by that court.

To investigate on general principles of law, the distinction between original and appellate jurisdiction, would lead to a more minute and extensive discussion, than time could be spared for, from the numerous & important avocations of this court; and would also require the consideration of many authorities to which I cannot have recourse. But fortunately this has been rendered unnecessary, by the decision of this court, in the celebrated case commonly called the mandamus case. In that profound and learned decision, which has been read with reverence and delight by every man of information in this country, this court has drawn with equal perspicuity and exactness, the line of discrimination between original and appellate power.

The case is reported in 1. Cranch, and the part of it to which I refer, is found in page 175. These are the words of the court—

"To enable this court then to issue a mandamus, it must be shown to be an exercise of appellate jurisdiction, or to be necessary to enable them to exercise appellate jurisdiction."

"It has been stated at the bar, that the appellate jurisdiction may be exercised in a variety of forms; and that if it be the will of the legislature that a mandamus should be used for that purpose, that will must be obeyed. This is true; yet the jurisdiction must be appellate, not original."

"It is the essential criterion of appellate jurisdiction, that it revises and corrects proceedings in a cause already instituted, and does not create that cause. Although therefore a mandamus may be directed to courts; yet to issue such a writ to an officer, for the delivery of a paper, is in effect the same as to sustain an original action for that paper; and therefore seems not to belong to appellate, but to original jurisdiction."

This passage needs no comment. The criterion which distinguishes the appellate jurisdiction from original, is that it revises and corrects the decision of another tribunal; and a mandamus may be used, when it is for the accomplishment of such a purpose. Now let me ask, may it please your honors, what is the object of the habeas corpus now applied for? Is it not to revise

and correct the proceedings of another tribunal? Do not these applicants stand committed under the proceedings and decision of the circuit court? Is it not of those proceedings and that decision that we complain? Do we not seek to revise those proceedings and to correct that decision, by virtue of the habeas corpus? Had the circuit court given judgment against the applicants in the sum of one hundred dollars, the power to revise that judgment would have been appellate, and might have been given by congress to this court. From a decision which might take a few dollars from their pockets, they might be relieved. Shall the relief be rendered impossible, because the decision deprives them of all that can distinguish a freeman from the most abject slave, of all that can render life desirable?

If the question then, respecting the power of this court, under the constitution and the act of congress, if not under the common law, to issue the writ of habeas corpus ad subjiciendum, were still open, I should contend that it ought, on these principles and authorities, to be decided in the affirmative. But may it please your honors, it is not open. It has been twice solemnly adjudged in this court. First in the case of Hamilton, 3 Dallas 17, not long after the court was organized; and very recently in the case of Burford, which is not yet reported in print, but is perfectly in the recollection of some of your honors, who sat in the case. I will not trouble the court with the narration of this case, which has been very fully stated by the learned gentleman who made this motion; but I will request indulgence while I read from a manuscript report, the opinion of the court, as pronounced by the chief justice.

"There is some obscurity in the act of congress, and some doubts were entertained by the court, as to the construction of the constitution. The court, however, in favor of liberty, was willing to grant the habeas corpus. But the case of the U. S. v. Hamilton, 3 Dallas 17, is decisive. It was there determined that this court could grant a habeas corpus. Therefore, let the writ issue, returnable immediately; together with a certiorari as prayed."

Here we find that the case was argued on both points, as well the constitution as the act of congress; that some doubts as to both had been entertained by the court; and that in favor of liberty, and on the authority of Hamilton's case, which the court declares to be decisive, the doctrine for which we now contend was administered, and the writ of habeas corpus awarded.

I contend, may it please your honors, with submission, that the case is settled by these decisions. I contend that it is no longer a question, whether this court have the power which it is now called on to exercise. The exercise of this power, the benefit of these decisions, the protection of the law thus established, I claim for my clients as a matter of right, which this honorable court cannot refuse.

Shall it be said, may it please your honors, that no part of your law is fix and settled, except what is positively and expressly enacted by statute? Is it not on the contrary certain, that by far the greater portion of that law, on which our property, our lives and our reputation depend, rests solely on the decisions of courts? Shall it be said that all this extensive and important branch of the law is uncertain and fluctuating, dependent on the ever varying opinions and passions of men, & liable to change with every change of times and circumstances? Shall it be said that every individual judge may rightfully disregard the decisions of the courts to which he belongs, and set up his own notions, his prejudices or his caprice, in opposition to their solemn judgments? No, may it please your honors! This is not the principle of our law; this is not the tenure by which we hold our rights and liberties, *Stare decisis* is one of its favorite and most fundamental maxims. It is behind this wise and salutary maxim that courts and judges love to take refuge, and times and circumstances might induce them to doubt of themselves, to dread the secret operation of their own passions and prejudices, or those external influences against which, in the imperfection of our nature, our minds can never be sufficiently guarded. In such times and circumstances a judge will say to himself, "I know not how far I might be able, in this case, to form an impartial opinion. I know not how far my judgment may be blinded or misled by my own feelings or the passions of others, by the circumstances of the moment, or the views and wishes of those with whom I am connected. But here is a precedent established under cir-

cumstances which exclude all possibility of improper bias. This precedent is therefore to be relied on more than my judgment; and to this I will adhere, as the best and only mean of protecting myself, my own reputation and the safety of those who are to be affected by my decision, against the danger of those powerful, though imperceptible influences, from which the most upright and enlightened minds cannot be considered as wholly exempt."

There have indeed been instances where precedents destructive to liberty and shocking to reason and humanity, established in arbitrary and factious times, have been justly disregarded. But when in times of quiet, and in cases calculated to excite no improper feeling, precedents have been established in favor of liberty and humanity, they become the most sacred as well as the most valuable parts of the law; the firmest bulwark for the rights of the citizens, and the surest guardian for the consciences and the reputation of the judges.

Such are the precedents on which I rely. The case of Hamilton was decided soon after the establishment of the government, when little progress had yet been made in the growth of party passions and interests; and when whatever of political feelings can be supposed, to have existed against the court, was against the prisoner. Yet this beneficial power was exerted for his relief. He was brought before this court by habeas corpus, and was discharged. And the precedent thus established was by this court fifteen years afterwards, in the case of Burford declared to be decisive.

The case of Burford was wholly unconnected with political consideration, or party feelings. The application was made on behalf of an obscure individual, strongly suspected, though he could not be legally convicted, of a most odious and atrocious crime. The abhorrence of his supposed offence, the strong circumstances against him, the course of his life, his general character, and the universal belief entertained of his guilt, all combined to excite against him every feeling of the human heart. Yet he was relieved by the exercise of that power to which we now appeal; yet he had the benefit of one of those precedents which we now claim;—and in this case the authority of another and a more solemn decision was added to the doctrine for which we contend.

And let me again ask may it please your honors, is not the law to be considered as settled by these repeated decisions? Are we still, as to this important point, floating on the troubled ocean of opinion, of feeling and of prejudice? If so, deplorable indeed is our condition. *Mora conditio ubi lex vaga et incerta*. But I ask, may it please your honors, if this great principle, *stare decisis*, so fundamental in our law and so congenial to liberty, be not peculiarly important in popular governments, where the influence of the passions is strong, the struggles for power are violent, the fluctuations of party are frequent, and the desire of suppressing opposition or of gratifying revenge, under the forms of law, and by the agency of the courts, is constant and active? Such are the defects of our particular form of government, arising from the imperfections of our general nature, and against the dangers resulting from these defects, our best protection is found in the great maxim "Stare decisis." The protection of this maxim, the benefit of these decisions, I again claim for my clients, as a matter of right, which I humbly contend that it is not in the power of this honorable court to withhold.

I come now, may it please your honors, to the second general head of enquiry—whether the power to issue writs of habeas corpus, thus shown to exist in this court, be restricted in the present case, by the circumstance of the commitment having been made by the circuit court of the district of Columbia? If this principle stand not in our way, it is clear that our application must succeed.

Before we admit such a principle, let us enquire into its possible and even probable effects on the liberties of the people. Is it not manifest that it would deprive the citizens of the guardianship of the highest, the most respectable and the most independent courts, and place their personal liberty at the mercy of inferior tribunals? Do we not know that congress may institute as many inferior tribunals, and may assign to the judges of these tribunals such salaries, as they may think fit? Does it not hence result that a succession of courts may be instituted, to the lowest of which may be assigned salaries so contemptible, and duties so unimportant or so odious, as to exclude necessarily and certainly every man of character, talents and re-

spectability, of every party? With such courts, therefore, be necessarily flattered, by the retainers, the most obsequious flatterers, and the most servile tools of those in power for the moment? Can any thing like independence or integrity be expected from such judges? Will they not act continually under the influence, not merely of their own party passions and prejudices, but of hope and of fear, those great perverters of the human mind?—The precedent is already set that they may be turned out of office by the addition of their counts; and their hopes of promotion to a higher station, and a better salary will depend on their servility and blinded obedience to those in power.

Let it be once established by the authority of this court that a commitment on record by such a tribunal as I have described, is to stop the course of the writ of habeas corpus, is to shut the mouth of the supreme court, and see how ready, how terrible, and how irresistible an engine of oppression is placed in the hands of a dominant party, flushed with victory and irritated by a recent conflict, or struggling to keep down an opposing party, which it hates and fears.

Does the history of the human passions warrant the conclusion or the expectation, that such an engine will not be used? No, may it please your honors, we unfortunately know, from the experience of every age, that there are few excesses into which men may not be hurried, by the lust of power or the thirst of vengeance. We too are men of like passions, and it behoves us, ere we have reached these extremes, to provide as far forth as the imperfection of all things here below will permit, against the dangers which have assailed others, and which threaten us. The best mode of making this provision is to establish salutary maxims in quiet times, and to adhere to them steadily. Let it be now declared that there resides in this high tribunal, as respectable as our constitution can make it, and as independent as the nature of our government permits, a power to protect the liberty of the citizen by the writ of habeas corpus, against the enterprises of inferior courts, which may be constituted for the purposes of oppression or revenge, and you place one barrier more round our safety. It will not then be in the power of a petty and despicable retainer to the dominant party of the moment, vested for the purpose with the powers of an obscure court of record (I speak not of existing but of possible courts) to doom to perpetual imprisonment perhaps every man whom those in power may wish to destroy or to punish. One check at least, perhaps, alas, too feeble! will be opposed to that tyranny which is the most ruthless, the most blind, and the most bloody; the tyranny of faction, the tyranny exercised by demagogues in the name of the people. The blessing of personal liberty, the greatest of all subsidiary goods; that blessing for which our friends and fathers have bled, for which I should wish to draw my sword, and for which he who is not ready to draw his sword and spill his blood, deserves neither the name nor the privileges of a freeman, that blessing will not then depend on the obsequious will of an humble dependent of power, dreading the loss of his place, and gaping for the reward of a higher salary; we shall have at least the protection of the highest and most independent court known to our country, happy if that should prove sufficient!

(To be continued.)

From the Philadelphia Gazette.  
(Private Correspondence.)

WASHINGTON, 2d mo. 12th.

FRIEND RELY,

COULDST thou suppose that, after a subject hath been as much exhausted as the air pump can exhaust the receiver, it should again be made the subject of another day's waste? yet so hath it been. It was not enough that the principle part of yesterday's should have been devoted to the discussion of the question, whether the punishment of death, or of fine and imprisonment, should be inflicted on the importer of slaves, but the same subject must be renewed this day to the great decision of some; the chagrin of more and shame of the whole.

The eyes and noses were called on the question, and the Clark was about to proceed, when that blind star in the New Jersey hemisphere, Friend Sloan, insisted on being indulged with a "few more last words." He stroked down forward and behind the dappled covering of his loaded brain box, with singular felicity of gentlemanly gesture; and then he declared, "there has been considerable arguments" already adduced, yet he deemed it a duty to offer more fully his sentiments on the subject. It was a long and comical mixture of argument and madass, feeling and folly, occasionally mingled with an attempt to be severe on several members of North Carolina.

who was so forge obliged at one see le said, lest he sh advocate diff times. He atten phia member, J who have as fair Pennsylvania." parson Davis, the Kentuck. His rea relative to the ma cans; a number o mong others a sto woman, who cam in which situatio disposed of her— she, now the te reverend furrows detailing the terri Yet, friend Rely, counting with whi each and unpreti panents almost w this story might h pose to satirise son A hint at an illu have been intende To prove the slaves in the vesse ed on their passag tion of one who a location, every thi a sound state, and lectly well the day one who died of treatment, bad air Sloan discards ge "comes home to n particulars, and d and whether by ba not.

Yet, after all, t in some parts of and as men, do to others should do to men take your son, a distant country; and even his grave tears.

Friend Sloan co cannot abolish slav is further introduc the gates of their free, let us for God others may not ente

After this forme friend Barker gave hortation; and spo would one day bring bare on the whites; go may be acted ov Southward.

Friend Smilie r Sloan to explain. Sloan. Mr. Spea Smilie. Italy. Speaker. Order Sloan. One sing Speaker. Order Smilie. I r Sloan. One word Speaker. Order And at length S would not.

The whole day ha and the amendmen the Senate will have they agree to then House will again be bill will give such a that instead of adver the reference will be tion. I hope, howe been spent, that the for not more sincere myself believe that t come, and if slavery Nor can we then ha our eyes to Heaven, when

Even Returns the ingred to our own lives.

BY THIS

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The ship Oliver pool had not got u ring.

Along the vessels Monday, was the s pool, having on bo and son of the Rev Mitchell and Whit Pierce, brother to killed by a shot fro are to proceed to L the trial of captain

NORFOLK

By the arrival of captain Herrick, in we learn that admira days before, so that it was his ship that a few days since, guns has returned to Mermaid frigate wa to the roads also. V ton pilot on board.



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who was so forgetful, Sloan said, that he was obliged on one session, to take notes of what he said, lest he should forget them at another, and advocate different opinions at different times. He attempted to satirize the Philadelphia member, J. Clay, in speaking of "those who have as fair a skin as the gentleman from Pennsylvania." He spoke of a certain pious parson Davis, that once made a speech in Kentucky. He read a great variety of extracts relative to the manner of kidnapping the Africans; a number of relations were made; among others a story was told of a young black woman, who came down to a river to bathe, in which situation she was taken, and cruelly disposed of her—liberty. Poor black Bathsheba, how the tender tear trickled down the forehead furrows of father Sloan's cheek, while detailing the terrible history of this disaster. Yet, friend Relf, little dost thou know the meaning with which this satirical orator, in an earnest and unpretended manner, stabs his opponents almost with a tear. I have thought that this story might have been introduced on purpose to satirize some of the southern members. A hint at an illustrious President could not have been intended.

To prove the cruelties inflicted on these slaves in the vessels in which they are confined on their passage, he mentioned the dissection of one who appeared to have died of suffocation, every thing in his body appearing in a sound state, and the slave having been perfectly well the day before. He spoke also of one who died of a fever, occasioned by ill treatment, bad air, or bad victuals. Friend Sloan discarded general or genteel terms; he "comes home to men's bosoms" with forcible particulars, and destroyeth his antagonists; and whether by bad air, or by bad food, he careth not.

Yet, after all, there was much good sense in some parts of his sermon. As Christians and as men, do to others as you would that others should do to you. Let a body of armed men take your son, and convey him a slave to a distant country; you shall see him no more, and even his grave shall not be wet with your tears.

Friend Sloan concluded very well. If we cannot abolish slavery, let us at least prevent its further introduction. If we cannot unbar the gates of their prison, and set the captives free, let us for God's sake keep it closed, that others may not enter.

After this sermon, and without a psalm, friend Barker gave us a prayer, or rather exhortation; and spoke of this crying sin, which would one day bring down judgments from above on the whites; the tragedy of St. Domingo may be acted over on a wide stage at the Southward.

Friend Smilie rose to speak, and friend Sloan to explain. And thus the dialogue:

Sloan. Mr. Speaker—  
Smilie. I rise—  
Speaker. Order—  
Sloan. One single—  
Speaker. Order—order—  
Smilie. I rise—  
Sloan. One word by—  
Speaker. Order—order—order—  
And at length Smilie sat down, for Sloan would not.

The whole day has been spent on this bill; and the amendments are such that I expect the Senate will have much more debate before they agree to them; and very probably the House will again be engaged in it; so that this bill will give such a coloring to this session, that instead of adverting to the year, hereafter the reference will be to the famous black session. I hope, however, so much time having been spent, that the bill will prove effectual; for not more sincerely doth father Sloan, than myself believe that the day of retribution may come, and if slavery be increased, will come. Nor can we then have the hardihood to raise our eyes to Heaven in complaint or prayer, when

Even handed Justice  
Returns the ingredients of our nation's choice  
To our own lips.

## BY THIS DAY'S MAIL.

NEW YORK, Feb. 18.

The ship Oliver Elsworth, from Liverpool had not got up at a late hour last evening.

Along the vessels which went to sea on Monday, was the ship Latona for Liverpool, having on board captain Brewster and son of the Revenue Cutter; Messrs. Mitchell and White, Pilots; and captain Pierce, brother to Mr. Pierce who was killed by a shot from the Leander. They are to proceed to London as witnesses in the trial of captain Whitby.

NORFOLK, February 18.

By the arrival of the schooner George, captain Herrick, in 19 days from Havana, we learn that admiral Willaumez sailed two days before, so that it is almost certain that it was his ship that was seen off our capes a few days since. The Triumph of 74 guns has returned to Hampton roads; the Mermaid frigate was yesterday coming into the roads also. Willaumez has a Hampton pilot on board.

## Alexandria Daily Advertiser.

TUESDAY, FEBRUARY 24.

Yesterday being the Anniversary of the day which gave to America its common father, its patriot, soldier and statesman, the illustrious WASHINGTON, the same was celebrated here in that truly rational and dignified style which conveys to the rising generation the exalted recollection in which a free & grateful people hold the remembrance of departed virtue and unparalleled worth. We have been accustomed to hear the approach of the cheering day announced to us by the discharge of artillery, and we are sorry to notice on that festive day this deficiency; but we are persuaded it is attributable to the few and not to the many, for on no former occasion have we witnessed a more anxious solicitude among the citizens to devote the day to that festive enjoyment which its annual return so naturally inspires.

The Washington Society of Alexandria, which had been established as an humble means of endeavoring to give a lasting impression and exciting a generous recollection of those virtues which so eminently contributed to his glory, assembled at Gadsby's hotel at 11 o'clock, and at the hour of 12 o'clock the Society moved in procession accompanied by the children of the Washington Free School, 40 in number, and uniformly clad, at the expense of the Society. On leaving Gadsby's they passed in review and were saluted by captain Dangerfield's troop of horse, captain Lynn's company of light infantry, and captain Mill's company of riflemen, whose military appearance did honor to the day. After the Society had passed to the left, they halted and opened to the right; and left, and the Military passed through, and received a return of civility, when the procession moved with the military escort to the Episcopal Church, where the services of the day were commenced by a piece of solemn music from a band seated in the gallery. After which the Rev. Jas. Muir delivered a Scriptural introduction on the importance of the occasion, which concluded by an address to the throne of Grace, followed by solemn music—when Francis Lightfoot Lee, Esq. a member of the Washington Society, delivered an Oration, which, without attempting to forestall public opinion, we venture to say, was elegant, appropriate, sensible, and truly republican, was delivered with great ease and correctness by the orator, and in that distinct, manly, and unassuming manner, which, while it did honor to himself, drew from a most numerous and respectable audience one universal burst of applause and smile of approbation; and we are happy to inform our readers that we shall have the pleasure of laying it before them in our next paper.

The procession returned in the same order to Gadsby's, where several pieces were rehearsed by the children of the free school before the society, with considerable applause.

In the evening a most brilliant assemblage of ladies and gentlemen, in Gadsby's ball room, heightened the pleasing sensations of the day; and it is but justice to Mr. Gadsby to say, that his supper, and the decorations of his room, which were, a transparent likeness of Washington at the east, and a transparent painting of the frigate Constitution at the west end of the room, displayed great taste, and a disposition on his part to add to the convivial part of the day's entertainment. About 2 o'clock the company retired, each countenance by its smiles bespeaking a perfect and delighted approbation of the day's enjoyment.

Mr. Snowden,  
IT appears that Mr. Early of Georgia has laid before congress a resolution, requesting the executive to inform them fully of the contemplated use of this modern naval, nondescript machine, called a gun boat. An old German of London, has I suspect answered this call, in a few words as Mr. Jefferson will do in a lengthy communication. Their representative in congress, Mr. Lewis, speaking to them of the wasteful folly of our administration, in selling our frigates at a very low price, and instead of them building these gun boats at a very great expense, the German's laconic reply was, in his broken English, "I suppose Jefferson wants these little vessels to go into dry docks." Now as Mr. Jefferson is known to be a man who does not willingly abandon any of his speculative notions, it is more than probable the German's opinion is an earnest one, and that the rage for building gun boats is only intended as an introduction of the

more beautiful system of dry docks. It is the attribute of some wise men to wish their fanciful schemes, in proportion as they are ridiculed by others—as some fond mothers see nothing but excellence in their darling, who is the laughing stock of every one else.

## Supreme Court of the U. States.

Friday, Feb. 20.

Mr. Rodney informed the court that he had not been able to find any cases that bore with precision on the point yesterday submitted by the court.

Mr. Martin observed that he had handed to the chief justice some few authorities, which might be examined by the attorney general.

After examining them Mr. Rodney said that he found Mr. Martin had not been more fortunate than himself, that the cases did not pointedly apply, and required no further observations from him.

After some remarks on the inadmissibility of gen. Wilkinson's affidavit by Messrs. F. Key, Harper, Rodney and Martin; and some incidental remarks from the court—the Chief Justice said the court would take time to consider the case, and hoped by to-morrow to be able to give an opinion.

Mr. Martin, in consequence of the proposition made yesterday by the court, requested them to state the bail that would be required for the recognizance of the prisoners.

The court required bail to be given by each of the prisoners, himself in a sum of 3000 dollars, with sureties to the like amount.

Messrs. Martin and Van Ness were received as bail for Mr. Swartwout—and Messrs. Martin and Harper for Mr. Ballman.

Saturday, February 21.

Chief Justice Marshall delivered the opinion of the court in the case of Messrs. Bollman and Swartwout.

The opinion was very long, and went to a considerable extent, into a definition of the crime of treason.

On several points involved in the case the court consisting of four judges, Judge Livingston having gone home in consequence of the illness of his daughter, were equally divided.

The opinion concluded with the order of the court to discharge the prisoners.

As we propose giving this important opinion, at length, in our next paper, we have avoided any statement of its contents.

Nat. Intel.

A letter has been received from general Adair addressed to the Kentucky delegation, stating the circumstances of his arrest at New Orleans, the harsh treatment which he says he has experienced, and declaring himself innocent of all participation in any scheme hostile to the U. States. In this letter which we had expected to have given in this paper general Adair represents that while in Kentucky, he received sometime in November, a letter from general Wilkinson, dated September 29th, inviting him to come to New Orleans, and join him in an attack on and conquest of the Spanish possessions; and that he immediately answered it, declining all participation in the plan proposed to him. He adds that his purpose in going to N. Orleans was entirely to make a purchase of lands.

Ibid.

Extract of a letter dated Washington, Mississippi Territory, Jan. 19, to a gentleman in this city.

"Mr. Burr arrived at judge Bruin's above Natchez ten or twelve days ago. He wrote to Mr. Meade the acting governor, stating that his objects were laudable, that they were not unfriendly to the United States, and cautioning him against arming citizens against citizens, and thus producing a civil war. Mr. Meade called out the militia. A warrant was issued against Mr. Burr, and a party of militia were sent to take him.

Several persons who had come to Natchez were apprehended by the military & dismissed by the acting governor on their parole till to-day. Judge Rodney to whom they have come has been examining them, but they appear to know but little of the real designs of Mr. Burr. Mr. Burr himself avoided being taken by crossing the river. The secretary sent his aids to him, a written capitulation was entered into, and last night Mr. Burr came to this place, the seat of government, and is to be examined

in a day or two. He states that his object was to be ready on the call of government to make an attack on the Spanish possessions, had war been declared. He has nothing with him that can be called a force. He appears indignant at the proceedings which have been instituted against him, and speaks with much bitterness, as I am told, of general Wilkinson. The general does not seem to be popular here, and I think upon the whole that there appears to be a greater solicitude to criminate him, than any one else.

"P. S. Mr. U. alleges that the correspondence which it is said that he has carried on with gen. Wilkinson, containing plans for invading the Spanish provinces, &c. emanated, as he can prove, from the marquis Yrujo, who fabricated these letters to injure him."

The character of Modern France has become so notorious, that when we find her pretending to great friendship for any particular district of Europe, it may be considered as her fixed determination, to seize the favorite spot. Thus Switzerland was, immediately previous, and as a first step, to the usurpation, declared "the first Daughter of Liberty." We now find in Napoleon's message to his senate, an avowal of passionate fondness for the Ottoman empire: therefore he will soon undertake to manage its affairs. The French emperor may use the port as an auxiliary in the destruction of Russia—but so soon as this meditated conquest is effected, he will have discovered some error in the government of Turkey, some loving stimulant for affording proof of his devouring friendship. This seems evident from a passage in a late imperial address to the senate.

"In this new position (says Napoleon) we have adopted for the inviolable principle of our conduct, to evacuate neither Berlin nor Warsaw, nor the provinces which the force of arms has made to fall into our hands, before the general peace be concluded, the Spanish, Dutch, and French colonies restored; before the foundation of the Ottoman power be strengthened, and the absolute independence of that vast empire, the first interests of our people, irrevocably consecrated."

Thus it appears, that the swiftness of plains of Turkey, and the celebrated hills of Greece, have inspired this more than Alexander, with a desire to protect the descendants of the great heroes of ancient times. Napoleon will not have the once martial spirit of Lacedaemon to contend with; he will combat no Leonidas at Thermopylae, and he will sit down at Corinth, and at Sparta, occupying all of Peloponnesus, without fearing Byzantium.

Federal Gazette.

Bishop Asbury will preach this evening at early candle light, in the Methodist meeting house.

February 24

Wanted to Hire,

ABOUT THIRTY HANDS and several Horses and Carts. For terms apply to Jonathan Scholfield, of Alexandria, or Charles Stewart, of Fairfax Court-house, Virginia. Feb. 24. 2aw2w

## NOTICE.

THE subscriber intending to decline business in this place, takes this method of calling upon all those who are indebted to him for payment; and such as do not come forward before the 24th of next month, their accounts will be placed in the hands of a proper person for collection.

My own debts must be paid: therefore an apology for this call is unnecessary. Any claims not liquidated are requested to be presented, as all honest ones will meet with attention so far as in my power.

## I HAVE ON HAND

A quantity of DRY GOODS, the price of which I will make very low to any person that will purchase the whole.

I have also on hand,

A general assortment of Groceries and Liquors as usual.

George Clementson.

February 24.

colw2aw2w

## Notice is hereby given,

THAT all persons who may be found trespassing on the land belonging to C. W. Valangen, situated on the Potomac River, near Alexandria, below the mouth of Mol Frost's Run, and extending to a line belonging to Mr. Peter Sheron's, nearly at the lower extremity of the Pecosen: and from thence back from the river to the north branch of Little Hunting-Creek, will be prosecuted to the extent of the law in such cases provided.

C. W. Valangen.

February 23.

2aw3w\*

## TO BE RENTED.

THE BRICK STORE & COMPTING HOUSE now occupied by Messrs. Ricketts Newton & Co.—Also, the vacant STORE adjoining. They are large and convenient, and will be rented low. Apply to

J. H. HOOE,

July 23

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